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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No. 4642 of 2007
Date of decision: 8.10.2007

Ram Kishan Bhakhri **...Petitioner**

Versus

Kanta Rani and others **...Respondents**

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. G.C. Shahpuri, Advocate for the petitioner.

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RAJESH BINDAL, J.

The tenant is in revision petition before this Court against the concurrent findings of fact by both the Courts below whereby eviction petition filed by the respondent No.1/landlady has been accepted.

Respondent/landlady had filed a petition for eviction of the petitioner/tenant from the shop in dispute on the ground of non payment of rent, change of user, subletting and personal necessity. Issue regarding non payment of rent became redundant as the petitioner/tenant tendered the arrears of rent. On the other three issues, learned Rent Controller recorded findings against the petitioner/tenant and ordered the eviction. However, before the Appellate Authority, the order of learned Rent Controller was upheld on two grounds, namely, subletting and personal necessity.

Heard learned counsel for the petitioner and perused the orders passed by the Courts below.

Learned counsel for the petitioner submitted that personal necessity of the shop in dispute was shown for son of the respondent No.1/landlady whereas admittedly he was employed in a local Company. However, it is not disputed that he was Diploma holder in Tractor Mechanic from Industrial Training Institute, who want to open a tractor spare parts shop in the demise premises. Ground raised by learned counsel for the petitioner is totally baseless as it is settled now that till such time eviction petition is decided, landlady or her son was not to remain idle to wait till the

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long process of eviction is over. Accordingly, I do not find any illegality has been committed by both the Courts below in ordering eviction of the petitioner/tenant from the shop in dispute. As far as the contention regarding availability of another shop, which was on rent with some other tenant is concerned, it is sufficient to mention that landlady is a judge of her requirement and tenant is no body to dictate term for that purpose.

Accordingly, I do not find any reason to interfere with the concurrent findings of fact by both the Courts below in the revisional jurisdiction.

The revision petition is dismissed.

October 08, 2007 **(Rajesh Bindal)**
Pka **Judge**